

Small Business Set-aside Provision

1. NOTICE OF SMALL BUSINESS SET-ASIDE

- (a) Definition. "Small business concern," as used in this clause, means a concern, including its affiliates, which is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the size standards on this solicitation.
- (b) Eligibility. The criteria was established based on the size standard set by the U.S. Small Business Administration, which is matched to NAICS 2007, the latest North American Industry Classification System (NAICS) code 541512 - Computer Systems Design Services: This U.S. industry comprises establishments primarily engaged in planning and designing computer systems that integrate computer hardware, software, and communication technologies. The hardware and software components of the system may be provided by this establishment or company as part of integrated services or may be provided by third parties or vendors. These establishments often install the system and train and support users of the system.
- (c) General.
 - (1) Offers are solicited only from small business concerns. Offers received from concerns that are not small business concerns shall be rejected.
 - (2) Any award resulting from this solicitation will be made only to a small business concern

2. MEANING OF REPRESENTATION BY OFFEROR & PROTEST AGAINST STATUS

- (a) To be eligible for award of this contract as a small business, Offeror must represent in good faith that it is a small business at the time of its written representation. The representation must reflect that Offeror meets the definition of a small business concern as stated in the solicitation.

- (b) The procurement officer shall accept an Offeror's representation that is a small business unless another Offeror challenges Offeror's small business representation to the contracting officer through applicable protest procedures under HAR Chapter 126.
- (c) Upon receipt of a protest, the chief Procurement Officer shall require the Offeror to provide proof of its status as an eligible small business Offeror.
- (d) If the Chief Procurement Officer determines that the Offeror has misrepresented its status as an eligible small business, the Chief Procurement Officer may disqualify the Offeror from the competition.
- (e) If the Chief Procurement Officer concludes the misrepresentation was not inadvertent and was intended to unfairly enable the Offeror to compete in a solicitation when it knew or should have known it was not eligible, the Chief Procurement Officer shall initiate debarment action under HAR Chapter 126.
- (f) Any time after contract award, the procurement officer may question the small business representation of any Offeror and require the Offeror to confirm its represented size status and eligibility for award. If the procurement officer determines the Offeror misrepresented its size status, the procurement officer may terminate the contract for cause and resolicit unless the Chief Procurement determines in writing that contract termination would be detrimental to the interest of the state. The Chief Procurement Officer shall also determine whether to initiate debarment proceedings under HAR Chapter 126 based upon the Offeror's misrepresentation of size status and eligibility.

3. LIMITATIONS ON SUBCONTRACTING

By submission of its offer, the Contractor agrees that in performance of the contract in the case of a contract for the Services, at least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern.

4. SMALL BUSINESS PROGRAM REPRESENTATIONS

- (a) The small business eligibility criteria for this solicitation: the business's average annual receipts should be **less than \$25 million dollars.**
- (b) Offeror hereby affirmatively represents that it is a qualified small business concern eligible for award of the contract under the eligibility criteria above.
- (c) Offeror further represents that Offeror's average number of employees for the past 12 months and Offeror's annual gross revenue for the preceding fiscal year was as reflected below (Offeror must check and initial one block in each column):

Business Name:	
Number of Employees	Average Annual Gross Revenues
<input type="checkbox"/> 15 or fewer	<input type="checkbox"/> \$500,000 or less
<input type="checkbox"/> 16 – 50	<input type="checkbox"/> \$500,001 – 1 million
<input type="checkbox"/> 51 – 100	<input type="checkbox"/> \$1,000,001 – 2 million
<input type="checkbox"/> 101 – 250	<input type="checkbox"/> \$2,000,001 – 3.5 million
<input type="checkbox"/> 251 – 500	<input type="checkbox"/> \$3,500,001 -- \$5 million
<input type="checkbox"/> 501 – 750	<input type="checkbox"/> \$5,000,001 – 10 million
<input type="checkbox"/> 751 – 1,000	<input type="checkbox"/> \$10,000,001 – 24.9 million
<input type="checkbox"/> Over 1,000	<input type="checkbox"/> \$25 million and over

Signed by the Offeror: _____